

Testimony Presented on HB 1279 to the  
House Political Subdivisions Committee  
Representative Donald W. Longmuir

By

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City of Fargo

January 26, 2023

This statement expresses the support of the City of Fargo to House Bill 1279, relating to the presumption of compensability for firefighters and law enforcement officers.

Good Afternoon Chairman Longmuir and members of the House Political Subdivisions committee. I want to thank you for the opportunity to be here today. I also want to thank the Sponsor and Co-Sponsors for bringing this important piece of legislation forward. My name is Steve Dirksen; I have the honor and pleasure to serve as the Fire Chief for the City of Fargo. I have been a firefighter for the past 34 years and have served for the past 11 ½ years in my current role in the City of Fargo.

HB1297 proposes to amend Section 65-01-15.1 by removing from subsection 3 (a) the requirement for a firefighter or law enforcement officer to have five years of continuous service with a fire department or law enforcement agency in North Dakota. An additional change in this subsection is to remove the word "require" and replace with the employer needs to "provide at no expense," a medical examination upon employment for any employee subject to this section.

Subsection 3 (b) also spells out the removal of the word "require" and replace with the employer needs to "provide at no expense". An additional change in this section is the removal of "including a nonfasting total blood cholesterol test" and replacing it with "indicating cardiovascular health to a reasonable degree of medical certainty".

The other change is the definition in subsection 4, replacing "a person" with "an individual".

Individuals who wish to be employed as a City of Fargo firefighter are given a myriad of tests that include a psychological, polygraph examination, background checks (to include criminal), mask fit testing as well as a comprehensive medical physical exam.

The medical physical exam follows the standards set forth by the National Fire Protection Association (NFPA) 1582: Standard on Comprehensive Occupational Medical Program for Fire Departments. NFPA 1582 Chapter 5 identifies 14 essential job tasks required of structural firefighters. Those tasks range from wearing self-contained breathing apparatus while pulling fire hose, crawling, lifting and carrying heavy objects,

2. Urine
3. Audiology
4. Spirometry
5. Chest X-ray – baseline then as medically indicated
6. ECG's – baseline then annually at age 40 or as clinically indicated.
7. Risk Stratification –
  - a. Asymptomatic firefighters at age 40 for their 2-year or 10-year risks of ASCVD
  - b. Asymptomatic firefighters younger than 40 known to be at high risk for ASCVD shall be assessed for coronary artery disease.
  - c. The 2-year Framingham risk tables or the 10-year heart risk calculator created by the American College of Cardiology/American Heart Association (ACC/AHA) shall be used to generate a 2 year or 10 year risk of ASCVD.
  - d. If ASCVD scores are high symptom limiting exercise stress testing with imaging is to be ordered.
8. Mammography
9. Immunizations and Infectious Disease
10. Post-Exposure Bloodborne Pathogen Testing
11. HIV Testing
12. Heavy Metal Evaluation
13. Colon Cancer Screening
14. Prostate Cancer Screening
15. Lung Cancer Screening
16. Cervical Cancer Screening
17. Testicular Cancer Screening
18. Bladder Cancer Screening
19. Oral Cancer Screening
20. Thyroid Cancer Screening
21. Skin Cancer Screening
22. Sleep Disturbance Screening
23. Behavioral Health Screening

The City of Fargo provides this level of medical surveillance to provide our employees with a baseline picture of their current level of medical wellness. Through the annual examinations, we have had several members self-report a condition was identified early, even before the individual became symptomatic. As an employer, the City of Fargo desires to provide a high level of yearly medical surveillance to ensure that our firefighters can have long careers and healthy retirements.

Firefighting is a dangerous profession. There are known risks with this profession but there are numerous events that we cannot prepare for. Sudden cardiac arrest, vascular embolism due to vessel compression, exposure to toxins due to equipment failure, and there are many more. These issues have occurred in firefighters at the beginning of

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Representative Donald W. Longmuir, Chairman

Dr. Timothy Mahoney, Mayor, City of Fargo  
Commissioner Denise Kolpack, City of Fargo

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Dear Members of the House Political Subdivisions Committee:

On behalf of the City of Fargo, we are writing collectively to you today in support of HB 1279. One of the top priorities we share as local elected officials is to ensure that our public safety employees are provided with a high-level medical physical surveillance program. In the City of Fargo, we care for the well-being and safety of our dedicated public safety servants, and we believe HB 1279 will further support this care for our first responders.

Annually, the City of Fargo invests significant funds to ensure the firefighters we hire can meet the rigorous physical and mental demands of the profession. The firefighters are provided – at no expense – a medical and mental evaluation that meets the nationally recognized standards established by the National Fire Protection Association Standard 1582. After the employees complete their probationary period, they are provided an annual evaluation that far exceeds the requirements set forth in North Dakota Century Code. The examination is a comprehensive “head to toe” evaluation of the total health of the employee. The physical examination is augmented by a number of ancillary tests that range from blood tests, to ECG’s, chest x-rays, cancer screenings, to sleep disturbance and behavioral health screenings.

But the one thing we cannot test for, and have no way to predict, is sudden cardiac arrest due to trauma, vascular embolism due to vessel compression, exposure to immediate dangers to life, and health toxins due to sudden and catastrophic equipment failure. These types of situations have occurred in the fire service to firefighters at the beginning of their careers through the end. If there is a way to prevent these events from happening, we would most assuredly put processes in place to stop them.

The City of Fargo takes great steps to ensure that we hire public safety employees who are physically capable to complete the tasks required of a firefighter. We work to ensure there is continual surveillance of physical health. By removing the five-year waiting period, we are providing the coverage for those employees who suffer a sudden medical event because of their employment. It is imperative that we take care of our public safety employees who put themselves in harm’s way to protect our communities.